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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054802
Party	Defendant Fabian Claudio Olemberg
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BHPC ASSOCIATES, LLC,

Petitioner,

v.

FABIAN CLAUDIO OLEMBERG,

Respondent.

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Cancellation No. 92054802

Registration No. 4,042,469

**Mark: SANTA FE POLO &
Polo Player Design**



AMENDMENT TO REGISTRATION WITH CONSENT

Registrant Fabian Claudio Olemberg ("Registrant"), with the consent of Petitioner BHPC Associates, LLC ("Petitioner"), through their attorneys, hereby makes this agreed motion to amend the registration at issue in these proceedings pursuant to 37 CFR § 2.133(a).

1. Registrant owns a federal trademark registration for the mark SANTA FE POLO & Polo Player Design, Registration No. 4,042,469 for coats; footwear for men; hats; jackets; men's suits; pants; rain coats; shirts; shorts; socks; sport shirts; sweat shirts; sweaters; t-shirts; ties; trousers; and, vests ("the '469 Registration").

2. Petitioner is the owner of numerous federal trademark registrations for the mark BEVERLY HILLS POLO CLUB & Polo Player Design, which it uses for a wide variety of products, including clothing ("the BHPC Registrations").

3. On November 11, 2011, Petitioner filed a petition to cancel the '469 Registration.

4. Registrant and Petitioner have agreed that the above-captioned Cancellation Action can be settled and the Cancellation Action dismissed if the recitation of goods in the '469 Registration is amended to restrict the goods as specified below and if Registrant agrees to the further restrictions regarding its registration and use of the mark depicted in the '469 Registration, as more fully provided in a Settlement Agreement entered into between the Parties as of November 28, 2012.

5. In particular, Registrant respectfully requests that the U.S. Patent and Trademark Office ("PTO") amend the current recitation of goods in the '469 Registration from "coats; footwear for men; hats; jackets; men's suits; pants; rain coats; shirts; shorts; socks; sport shirts; sweat shirts; sweaters; t-shirts; ties; trousers; and, vests" to:

"shirts and sport shirts."

6. Registrant hereby authorizes the Post Registration Branch of the PTO to deduct from Deposit Account No. 041105 the required fee associated with this request for amendment. Registrant also wishes to receive an amended Certificate of Registration.

7. Registrant respectfully submits that the foregoing amendment be entered in the '469 Registration because Petitioner has consented to the amendment and because the proposed amendment complies with 37 C.F.R. § 2.173(b). The insertion of the above-captioned recitation of goods restricts the recitation of goods in the '469 Registration.

8. Petitioner, through its counsel, has consented to this Motion.

WHEREFORE, Registrant respectfully requests that the '469 Registration be amended pursuant to paragraph 5 of this Amendment to Registration.

Dated: November 28, 2012

Respectfully submitted,

By: Perla M. Kuhn
Perla M. Kuhn
Edwards Wildman Palmer LLP
750 Lexington Avenue
New York, NY 10022

Attorneys for Fabian Claudio Olemberg

Dated: Nov 28, 2012

By: Robert L. Epstein
Robert L. Epstein, Esq.
Epstein Drangel LLP
60 East 42nd Street
Suite 2410
New York, NY 10165

Attorneys for BHPC Associates, LLC

CERTIFICATE OF SERVICE

I hereby certify that I am over the age of 18 years, not a party to this action, and that on the 28th day of November, 2012, I caused to be served a true and correct copy of the foregoing AMENDMENT TO REGISTRATION WITH CONSENT by first class mail mail to the following attorney for Petitioner:

Robert L. Epstein, Esq.
Epstein Drangel LLP
60 East 42nd Street, Suite 2410
New York, NY 10165

I further certify under penalty of perjury that the foregoing is true and correct.

Dated: November 28, 2012
New York, New York

By: /Varant Ekmekjian/
Varant Ekmekjian